

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

<u>TAMEKA MOORE</u>	)	
	)	<b>Case Number</b>
<b>Plaintiff</b>	)	
	)	<b>CIVIL COMPLAINT</b>
<b>vs.</b>	)	
	)	
	)	
<b>NATIONAL MANAGEMENT</b>	)	
<b>RECOVERY CORP.</b>	)	<b>JURY TRIAL DEMANDED</b>
	)	
<b>Defendant</b>	)	
<u></u>	)	

**COMPLAINT AND JURY DEMAND**

COMES NOW, Plaintiff, Tameka Moore, by and through her undersigned counsel, Brent F. Vullings, Esquire of Warren & Vullings, LLP, complaining of Defendant, and respectfully avers as follows:

**I. INTRODUCTORY STATEMENT**

1. Plaintiff, Tameka Moore, is an adult natural person and brings this action for actual and statutory damages and other relief against Defendant for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq., which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

## **II. JURISDICTION**

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1337.

3. Venue in this District is proper in that the Defendant transacts business in this District.

## **III. PARTIES**

4. Plaintiff, Tameka Moore, is an adult natural person residing at 450 Tomoka Avenue, Ormond Beach, FL 32174.

5. Defendant, National Management Recovery Corp. (“Defendant”), at all times relevant hereto, is and was a corporation engaged in the business of collecting debt within the State of Florida and the Commonwealth of Pennsylvania with its registered office located at 2704 Commerce Drive, Harrisburg, PA 17110.

6. Defendant is engaged in the collection of debts from consumers using the telephone and mail. Defendant regularly attempts to collect consumer debts alleged to be due to another. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. §1692a(6).

## **IV. FACTUAL ALLEGATIONS**

7. On or about October 29, 2009, at 11o’clock am, Plaintiff received a call at her place of employment from the Defendant stating that they were an attorney’s office and that they were calling her on an outstanding debt that she owed on a car loan.

8. The Defendant's agent refused to give the Plaintiff their name. Plaintiff was told that she owed the balance of her debt and that she had better make arrangements immediately or they would be filing suit against her.

9. During the course of this call, the Plaintiff asked Defendant's agent to stop calling her at her place of employment. The Defendant's agent stated that they would continue to call her anywhere that they pleased until they got paid. Defendant's agent then wished the Plaintiff "good luck" and hung-up on her.

10. On that same date of October 29, 2009, the Plaintiff called the Defendant back and was told by the agent that she would be being charged with fraud because she had only written out one check a year prior and had made no additional payments on her car loan.

11. Defendant's agent told the Plaintiff that she would be going to prison for not agreeing to make payment arrangements.

12. Plaintiff was told that if she didn't agree to something that day that they would be sending the police to her home to arrest her.

13. Defendant's agent attempted to have the Plaintiff agree to 6 full months of payments as a way to avoid a law suit from being filed against her.

14. As of the filing of this complaint the Plaintiff has never received anything in writing from the Defendant.

15. The Defendant acted in a false, deceptive, misleading and unfair manner when they engaged in conduct the natural consequence of which is to harass, oppress or abuse such person in connection with the collection of a debt.

16. The Defendant knew or should have known that their actions violated the FDCPA. Additionally, Defendant could have taken the steps necessary to bring their and their agent's actions within compliance of the FDCPA, but neglected to do so and failed to adequately review those actions to insure compliance with the law.

17. At all times pertinent hereto, Defendant was acting by and through its agents, servants and/or employees, who were acting with the scope and course of their employment and under the direct supervision and control of Defendant herein.

18. At all times pertinent hereto, the conduct of Defendant as well as its agents, servants and/or employees, was malicious, intentional, willful, reckless, negligent and in wanton disregard for federal and state law and the rights of the Plaintiff herein.

19. As a result of Defendant's conduct, Plaintiff has sustained actual damages, including, but not limited to, injury to Plaintiff's reputation, invasion of privacy, damage to Plaintiff's credit, out-of-pocket expenses, physical, emotional and mental pain and anguish and pecuniary loss and he will continue to suffer same for an indefinite time in the future, all to her great detriment and loss.

#### **COUNT I – FDCPA**

20. The above paragraphs are hereby incorporated herein by reference.

21. At all times relevant hereto, Defendant was attempting to collect an alleged debt which was incurred by Plaintiff for personal, family or household purposes and is a "debt" as defined by 15 U.S.C. § 1692a(5).

22. The foregoing acts and omissions constitute violations of the FDCPA, including but not limited to, violations of:

- §§ 1692c(a)(1) At any unusual time, unusual place, or unusual time or place known to be inconvenient to the consumer
- §§ 1692d Any conduct the natural consequence of which is to harass, oppress or abuse any person
- §§ 1692d(5) Caused the phone to ring or engaged any person in telephone conversations repeatedly
- §§ 1692d(6) Place telephone calls without disclosing his/her identity
- §§ 1692(e) Any other false, deceptive or misleading representation or means in connection with debt collection
- §§ 1692e(2) Character, amount or legal status of the alleged debt
- §§ 1692e(4) Nonpayment of any debt will result in the arrest or imprisonment of any person or the seizure, garnishment, attachment
- §§ 1692e(5) Threaten to take any action that cannot legally be taken or that is not intended to be taken
- §§ 1692e(10) Any false representation or deceptive means to collect a debt or obtain information about a consumer
- §§ 1692f Any unfair or unconscionable means to collect or attempt to collect the alleged debt

**WHEREFORE**, Plaintiff respectfully prays that judgment be entered against the Defendant, National Management Recovery Corp., for the following:

- a. Declaratory judgment that Defendant's conduct violated the FDCPA and declaratory and injunctive relief for the Defendant's violations of the state Act;
- b. Actual damages;
- c. Statutory damages pursuant to 15 U.S.C. § 1692k;
- d. Reasonable attorney's fees and litigation expenses, plus costs of suit; and
- e. Such additional and further relief as may be appropriate or that the interests of justice require.

**V. JURY DEMAND**

Plaintiff hereby demands a jury trial as to all issues herein.

**Respectfully submitted,**

**WARREN & VULLINGS, LLP**

**Date: November 11, 2009**

**BY:**

/s/ Brent F. Vullings

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